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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Victor Joaquin CORDOVA, Defendant.	Mag. Case No. '07 MJ 8923 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) Illegal Transportation of Aliens

The undersigned complainant, being duly sworn, states:

On or about November 11, 2007, within the Southern District of California, defendant Victor Joaquin CORDOVA, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Gerardo AVINA-Angeles, Omar GONZALEZ-Ayala, and Juan Alberto RAMIREZ-Delgado, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 13th DAY OF NOVEMBER 2007.

PETER C. LEWIS
United States Magistrate Judge

UNITED STATES OF AMERICA
v.
Victor Joaquin CORDOVA

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending agents, Border Patrol Agents S. Sedano, J. Vega-Torres, A. Mills, M. Sandoval, and M. Harrington, that on November 11, 2007, Victor Joaquin CORDOVA, a United States citizen, was apprehended near Calexico, California, as the driver of a burgundy 2006 Chevrolet Trailblazer, as he smuggled (7) seven undocumented aliens from Mexico, in violation of law.

On November 11, 2007, at approximately 3:40 p.m. the Remote Video Surveillance (RVSS) Operator observed three all terrain vehicles (ATV) with more than one passenger each. The RVSS Operator observed the three ATV's drop off their passengers near the Trailblazer and the people boarded the Trailblazer. The three ATV's traveled across the desert into Mexico. The RVSS Operator informed Agents that the Trailblazer proceeded eastbound on the frontage road and westbound on Interstate 8.

Agent Vega-Torres was near the area and observed the burgundy Trailblazer enter the westbound lanes of Interstate 8. Agents Sedano and Vega-Torres proceeded to follow the Chevrolet Trailblazer as it traveled westbound on Interstate 8. Using their emergency lights and sirens, both Agents Sedano and Vega-Torres attempted to perform a vehicle stop. The driver of the Chevrolet Trailblazer, later identified as Victor Joaquin CORDOVA, refused to yield and continued traveling westbound for over one mile. The Trailblazer pulled over to the side of the Interstate.

Agents Sedano and Vega-Torres approached the Trailblazer and identified themselves as United States Border Patrol Agents. Agents Sedano and Vega-Torres and could clearly see CORDOVA still sitting on the driver's seat. Agent Sedano conducted a brief interview with CORDOVA. CORDOVA stated he is a United States Citizen born in Fresno, California. Agent Vega-Torres approached the passenger side of the vehicle. Agent Vega-Torres observed a single male sitting on the passenger seat along with three other occupants crouching down in the back seat. Agent Vega-Torres conducted interviews on the four suspected illegal aliens. They all claimed to be citizens of Mexico without any documents that would allow them to be in, work or reside in the United States. Agent Vega-Torres also discovered three more aliens hiding beneath a white sheet in the rear of the vehicle. Agent Vega-Torres identified himself as a United States Border Patrol and also conducted interviews on the three suspected illegal aliens. All three subjects claimed to be citizens of Mexico without any documents that would allow them to be in, work or reside in the United States.

At the station, CORDOVA was advised of his Miranda rights in the English language. CORDOVA acknowledged understanding his rights and was willing to answer any questions without an attorney present. CORDOVA stated a friend named Raul offered him work. Raul offered CORDOVA work smuggling seven illegal aliens. CORDOVA was going to receive $500.00 for each smuggled alien.

CORDOVA stated he drove the Chevrolet Trailblazer to the Imperial Sand Dunes. CORDOVA stated that he received instructions via cellular phone on where to stop. CORDOVA said he exited the Interstate and was told where to stop. CORDOVA said when he stopped aliens boarded his vehicle. CORDOVA stated Raul told him to take the Interstate back westbound and to take the seven illegal aliens to El Centro, California.

Material Witnesses Gerardo AVINA-Angeles, Omar GONZALEZ-Ayala, and Juan Alberto RAMIREZ-Delgado, stated they are citizens of Mexico without immigration documents that would allow them to remain in the United States legally. AVINA stated he made arrangements to pay $1,700.00 to be smuggled into the United States. GONZALEZ stated family members made the arrangement of an unknown fee for him to be smuggled into the United States. RAMIREZ stated his old employer made the arrangement for him to be smuggled into the United States for an unknown fee. Gerardo AVINA-Angeles, Omar GONZALEZ-Ayala, and Juan Alberto RAMIREZ-Delgado, stated they crossed illegally by walking across the United States/Mexico International border.

AVINA, GONZALEZ, and RAMIREZ were shown a six-pack photo lineup. They all positively identified CORDOVA as the driver of the Chevrolet Trailblazer they were being smuggled in.

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The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Gerardo AVINA-Angeles	Mexico
Omar GONZALEZ-Ayala	Mexico
Juan Alberto RAMIREZ-Delgado	Mexico

Further, complainant states that Gerardo AVINA-Angeles, Omar GONZALEZ-Ayala, and Juan Alberto RAMIREZ-Delgado, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.